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EXAMINER

ORTIZ, XIOMARA Y

ART UNIT

PAPER NUMBER

2141

10

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/746,208

Applicant(s)

KROEGER, DANN E.

Examiner

Xiomara Y. Ortiz

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 6, 12, and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because fig. 5, fig. 7, and fig. 8 are not clear. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

### ***Claim Objections***

Claim 6, 12, and 18 are objected to because of the following informalities: In claims 1,7, and 13 one of the limitations is to receive a communication document in which at least one of the documents has to be a request for information, change proposal request, change proposal quotations, contract change orders, and submittals, and in claims 6,12, and 18, the received documents have to include a request for information, change proposal request, change proposal quotations, contract change orders, and submittals. Claims 6, 12, and 18 contradict claims 1,7, and 13 where in claims 1,7, and 13 are selecting one of the documents and in claims 6,12, and 18 are included all of the documents. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 1, 6, 7, 12, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredell et al. U.S Pub No. 2001/0028364 A1 in view of the web page [www.Fmozeleski.com/news.htm](http://www.Fmozeleski.com/news.htm).

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Regarding claims 1 and 6, Fredell discloses receiving a plurality of documents (Fredell p.3 [0040] for project documentation being collected), associating tasks to be completed with the documents, and storing the documents and the associated tasks in a database (Fredell p.2 [0010] for posting over the communication network to selected project participants the plurality of project task, and that the posted plurality of project task is linkable to the database to retrieve project documentation that requires review by the selected project participants). But fails to disclose that the communication documents consist of request for information, change proposals request, change proposal quotations, contract change orders, and submittals.

However "The Comprehensive Guide to Construction Contract Administration" teaches that all the request for information (RFI's) have to be written in form to the owner and/or architect routed through the administrator, meaning this that the administrator receives the RFI's (P.7 "agenda for pre-construction meeting" number 2 part a and b) and teaches transmission of large quantities of paper work and project documentation including proposal requests and change orders (p.2 lines 27-31). The web page also teaches that the contractor's response to a request proposal should be accompanied by cost breakdown information necessary for the proper evaluation of the proposed cost, (i.e. itemized subcontractor's quotations, labor and material breakdowns, etc.) (P.18-19 Proposal Request) and processing of submittals required by the Contract documents (p.4 2.05 Office Construction Administration Services consisting of:").

Therefore at the time of the invention was made, it would have being obvious to one ordinary skilled in the art to combine the above invention suggested by Fredell with the disclosure by the web page [www.Fmozeleski.com/news.htm](http://www.Fmozeleski.com/news.htm).

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One of ordinary skills in the art would have being motivated to do this combination in order to implement a construction contract administration that would allow communication between owners, architects, and contractors (p.2 paragraph 3 and 4) where the administrator is responsible for the comprehensive and timely administration of all project related documentation and information (P.1 paragraph 3).

Regarding claims 7, 12, 13, and 18, these claims are the computer program product and systems to the method in claims 1; therefore they are rejected under the same rationale.

Regarding claim 4, Fredell all the limitations in claim 1, and also disclose a user being able to see their task and it's task due date (p.9 [0116]), wherein the task are associated with a document as mentioned in claim 1.

Regarding claims 10 and 16, these claims are the computer program product and systems to the method in claims 4; therefore they are rejected under the same rationale.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredell et al. U.S Pub No. 2001/0028364 A1 in view of Boling, Pc Magazine, v14, n7 p.262 (5).

Regarding claim 2 and 3, Fredell discloses all the limitations in claim 1, and also discloses a related file is capable of being associated with each document (p.3 [0040] for loading documents in a database as self contained document files) and that the invention

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provides read-only capabilities (p.2 lines [0010]). But fails to disclose to set a flag upon the completion of the file and that the file is given a read-only status upon the flag being set. However Boling discloses that when saving a file as read-only menu toggles the read-only flag for the editor (Boling p.2 lines 11-26).

Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the above invention suggested by Fredell and combining it with the invention disclosed by Boling.

One of ordinary skill in the art would have been motivated to do this combination in order to prevent any accidental changes (Boling p.2 lines 11-26).

Regarding claims 8-9 and 14-15, these claims are the computer program product and systems to the method in claims 2-3; therefore they are rejected under the same rationale.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fredell et al. U.S Pub No. 2001/0028364 A1 in view of Everett WO 01/16814 A1.

Regarding claim 5, the above combination discloses all the limitations in claim 4, but fails to disclose an electronic mail notification automatically sent based on the response date. However Everett discloses a notification message (i.e. such as electronic mail) being sent to the appropriate individual, which will be generated, preferable automatically at specified times prior to when each due date occurs and/or the due date itself (p.2 lines 34-35 – p.3 lines 1-7).

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Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the above invention suggested by Fredell and combining it with the invention disclosed by Everett.


One of ordinary skill in the art would have been motivated to do this combination in order take specific actions by a particular date, because failure to comply with the contractual undertakings can have serious consequences (Everett p.1 lines 7-8).

Regarding claims 11 and 17, these claims are the computer program product and systems to the method in claim 5; therefore they are rejected under the same rationale.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiomara Y. Ortiz whose telephone number is (703) 305-6783. The examiner can normally be reached on Monday-Friday from 7:30AM to 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Xiomara Y. Ortiz  
Patent Examiner  
Art Unit 2141

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER